

1 NEW SECTION. **Sec. 1.** The legislature recognizes the need to
2 streamline governance of the transportation system in order to increase
3 efficiency and accountability to the people it serves. The legislature
4 intends to create a single point of accountability for the performance
5 of the state's transportation system by making the management of the
6 department of transportation directly accountable to the governor. The
7 legislature also desires to further streamline governance structures.
8 A review and analysis of the current duties and responsibilities of the
9 transportation commission must be conducted to determine where these
10 functions are best carried out.

11 NEW SECTION. **Sec. 2.** The legislative transportation committee
12 shall conduct a review and analysis of the statutory duties, roles, and
13 functions of the transportation commission. The committee shall
14 determine which responsibilities are administrative or ministerial in
15 nature and should be transferred to the executive, and which
16 responsibilities are policy setting in nature and should be transferred
17 to the legislature. The review and analysis must include at least the
18 following authorities: (1) To establish toll facilities; (2) to set
19 tolls and fares; (3) to request bond issuances by the state treasurer;
20 (4) to adopt the twenty-year state transportation policy plan; (5) to
21 conduct public involvement processes; (6) to develop and monitor
22 attainment of benchmarks directed in RCW 47.01.012; (7) to review and
23 approve six-year transit plans and proposed public transportation
24 benefit area plans; (8) to set operational policies for state highways,
25 including access issues and hours of operation for high-occupancy
26 vehicles. By December 15, 2003, the legislative transportation
27 committee shall make recommendations to the house and senate
28 transportation committees for streamlining, consolidating, or
29 eliminating the duties, roles, and functions of the transportation
30 commission. The legislative transportation committee shall consult
31 with affected agencies and other stakeholders in conducting its
32 analysis. The committee may consult with and retain private
33 professional and technical experts as necessary to ensure an
34 independent review and analysis.

35 **Sec. 3.** RCW 47.01.041 and 1983 1st ex.s. c 53 s 28 are each
36 amended to read as follows:

1 **TRANSFERRING POWERS OF THE TRANSPORTATION COMMISSION TO THE**
2 **LEGISLATIVE TRANSPORTATION COMMITTEE**

3 **Sec. 5.** RCW 35.58.2795 and 1994 c 158 s 6 are each amended to read
4 as follows:

5 By April 1st of each year, the legislative authority of each
6 municipality, as defined in RCW 35.58.272, and each regional transit
7 authority shall prepare a six-year transit development plan for that
8 calendar year and the ensuing five years. The program shall be
9 consistent with the comprehensive plans adopted by counties, cities,
10 and towns, pursuant to chapter 35.63, 35A.63, or 36.70 RCW, the
11 inherent authority of a first class city or charter county derived from
12 its charter, or chapter 36.70A RCW. The program shall contain
13 information as to how the municipality intends to meet state and local
14 long-range priorities for public transportation, capital improvements,
15 significant operating changes planned for the system, and how the
16 municipality intends to fund program needs. The six-year plan for each
17 municipality and regional transit authority shall specifically set
18 forth those projects of regional significance for inclusion in the
19 transportation improvement program within that region. Each
20 municipality and regional transit authority shall file the six-year
21 program with the state department of transportation, the transportation
22 improvement board, and cities, counties, and regional planning councils
23 within which the municipality is located.

24 In developing its program, the municipality and the regional
25 transit authority shall consider those policy recommendations affecting
26 public transportation contained in the state transportation policy plan
27 approved by the ((state)) legislative transportation ((~~commission~~))
28 committee and, where appropriate, adopted by the legislature. The
29 municipality shall conduct one or more public hearings while developing
30 its program and for each annual update.

31 **Sec. 6.** RCW 36.57A.070 and 1985 c 6 s 5 are each amended to read
32 as follows:

33 The comprehensive transit plan adopted by the authority shall be
34 reviewed by the ((state)) legislative transportation ((~~commission~~))
35 committee to determine:

36 (1) The completeness of service to be offered and the economic

1 viability of the transit system proposed in such comprehensive transit
2 plan;

3 (2) Whether such plan integrates the proposed transportation system
4 with existing transportation modes and systems that serve the benefit
5 area;

6 (3) Whether such plan coordinates that area's system and service
7 with nearby public transportation systems;

8 (4) Whether such plan is eligible for matching state or federal
9 funds;

10 After reviewing the comprehensive transit plan, the ((state))
11 legislative transportation ((~~commission shall have~~)) committee has
12 sixty days in which to approve such plan and to certify to the state
13 treasurer that such public transportation benefit area shall be
14 eligible to receive the motor vehicle excise tax proceeds authorized
15 pursuant to RCW 35.58.273, as now or hereafter amended in the manner
16 prescribed by chapter 82.44 RCW, as now or hereafter amended. To be
17 approved a plan shall provide for coordinated transportation planning,
18 the integration of such proposed transportation program with other
19 transportation systems operating in areas adjacent to, or in the
20 vicinity of the proposed public transportation benefit area, and be
21 consistent with the public transportation coordination criteria adopted
22 pursuant to the urban mass transportation act of 1964 as amended as of
23 July 1, 1975. In the event such comprehensive plan is disapproved and
24 ruled ineligible to receive motor vehicle tax proceeds, the ((state))
25 legislative transportation ((~~commission~~)) committee shall provide
26 written notice to the authority within thirty days as to the reasons
27 for such plan's disapproval and such ineligibility. The authority may
28 resubmit such plan upon reconsideration and correction of such
29 deficiencies in the plan cited in such notice of disapproval.

30 **Sec. 7.** RCW 36.79.120 and 1988 c 26 s 6 are each amended to read
31 as follows:

32 Counties receiving funds from the rural arterial trust account for
33 construction of arterials and the construction of replacement bridges
34 funded by the federal bridge replacement program on access roads in
35 rural areas shall provide such matching funds as established by rules
36 recommended by the board, subject to review, revision, and final
37 approval by the ((state)) legislative transportation ((~~commission~~))

1 committee. Matching requirements shall be established after
2 appropriate studies by the board, taking into account financial
3 resources available to counties to meet arterial needs.

4 **Sec. 8.** RCW 36.120.020 and 2002 c 56 s 102 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Board" means the governing body of a regional transportation
9 investment district.

10 (2) "Department" means the Washington state department of
11 transportation.

12 (3) "Highway of statewide significance" means an existing or
13 proposed state route or federal interstate designated as a highway of
14 statewide significance by the legislative transportation (~~commission~~)
15 committee, its successor entity, or the legislature.

16 (4) "Lead agency" means a public agency that by law can plan,
17 design, and build a transportation project and has been so designated
18 by the district.

19 (5) "Regional transportation investment district" or "district"
20 means a municipal corporation whose boundaries are coextensive with two
21 or more contiguous counties and that has been created by county
22 legislative authorities and a vote of the people under this chapter to
23 implement a regional transportation investment plan.

24 (6) "Regional transportation investment district planning
25 committee" or "planning committee" means the advisory committee created
26 under RCW 36.120.030 to create and propose to county legislative
27 authorities a regional transportation investment plan to develop,
28 finance, and construct transportation projects.

29 (7) "Regional transportation investment plan" or "plan" means a
30 plan to develop, construct, and finance a transportation project or
31 projects.

32 (8) "Transportation project" means:

33 (a) A capital improvement or improvements to a highway that has
34 been designated, in whole or in part, as a highway of statewide
35 significance, including an extension, that:

36 (i) Adds a lane or new lanes to an existing state or federal
37 highway; or

1 (ii) Repairs or replaces a lane or lanes damaged by an event
2 declared an emergency by the governor before January 1, 2002.

3 (b) A capital improvement or improvements to all or a portion of a
4 highway of statewide significance, including an extension, and may
5 include the following associated multimodal capital improvements:

6 (i) Approaches to highways of statewide significance;

7 (ii) High-occupancy vehicle lanes;

8 (iii) Flyover ramps;

9 (iv) Park and ride lots;

10 (v) Bus pullouts;

11 (vi) Vans for vanpools;

12 (vii) Buses; and

13 (viii) Signalization, ramp metering, and other transportation
14 system management improvements.

15 (c) A capital improvement or improvements to all or a portion of a
16 city street, county road, or existing highway or the creation of a new
17 highway that intersects with a highway of statewide significance, if
18 all of the following conditions are met:

19 (i) The project is included in a plan that makes highway
20 improvement projects that add capacity to a highway or highways of
21 statewide significance;

22 (ii) The secretary of transportation determines that the project
23 would better relieve traffic congestion than investing that same money
24 in adding capacity to a highway of statewide significance;

25 (iii) Matching money equal to one-third of the total cost of the
26 project is provided by local entities, including but not limited to a
27 metropolitan planning organization, county, city, port, or private
28 entity in which a county participating in a plan is located. Local
29 entities may use federal grants to meet this matching requirement;

30 (iv) In no case may the cumulative regional transportation
31 investment district contribution to all projects constructed under this
32 subsection (8)(c) exceed ten percent of the revenues generated by the
33 district;

34 (v) In no case may the cumulative regional transportation
35 investment district contribution to all projects constructed under this
36 subsection (8)(c) exceed one billion dollars; and

37 (vi) The specific projects are included within the plan and
38 submitted as part of the plan to a vote of the people.

1 (d) Operations, preservation, and maintenance are excluded from
2 this definition and may not be included in a regional transportation
3 investment plan.

4 (9) "Weighted vote" means a vote that reflects the population each
5 board or planning committee member represents relative to the
6 population represented by the total membership of the board or planning
7 committee. Population will be determined using the federal 2000 census
8 or subsequent federal census data.

9 **Sec. 9.** RCW 43.160.010 and 1999 c 164 s 101 and 1999 c 94 s 5 are
10 each reenacted and amended to read as follows:

11 (1) The legislature finds that it is the public policy of the state
12 of Washington to direct financial resources toward the fostering of
13 economic development through the stimulation of investment and job
14 opportunities and the retention of sustainable existing employment for
15 the general welfare of the inhabitants of the state. Reducing
16 unemployment and reducing the time citizens remain jobless is important
17 for the economic welfare of the state. A valuable means of fostering
18 economic development is the construction of public facilities which
19 contribute to the stability and growth of the state's economic base.
20 Strengthening the economic base through issuance of industrial
21 development bonds, whether single or umbrella, further serves to reduce
22 unemployment. Consolidating issues of industrial development bonds
23 when feasible to reduce costs additionally advances the state's purpose
24 to improve economic vitality. Expenditures made for these purposes as
25 authorized in this chapter are declared to be in the public interest,
26 and constitute a proper use of public funds. A community economic
27 revitalization board is needed which shall aid the development of
28 economic opportunities. The general objectives of the board should
29 include:

30 (a) Strengthening the economies of areas of the state which have
31 experienced or are expected to experience chronically high unemployment
32 rates or below average growth in their economies;

33 (b) Encouraging the diversification of the economies of the state
34 and regions within the state in order to provide greater seasonal and
35 cyclical stability of income and employment;

36 (c) Encouraging wider access to financial resources for both large
37 and small industrial development projects;

1 (d) Encouraging new economic development or expansions to maximize
2 employment;

3 (e) Encouraging the retention of viable existing firms and
4 employment; and

5 (f) Providing incentives for expansion of employment opportunities
6 for groups of state residents that have been less successful relative
7 to other groups in efforts to gain permanent employment.

8 (2) The legislature also finds that the state's economic
9 development efforts can be enhanced by, in certain instances, providing
10 funds to improve state highways, county roads, or city streets for
11 industries considering locating or expanding in this state.

12 (a) The legislature finds it desirable to provide a process whereby
13 the need for diverse public works improvements necessitated by planned
14 economic development can be addressed in a timely fashion and with
15 coordination among all responsible governmental entities.

16 (b) Transportation improvements on state highways that have been
17 approved by the community economic revitalization board must be
18 approved by the legislative transportation (~~commission~~) committee in
19 accordance with the procedures established by RCW 43.160.074 and
20 47.01.280 to receive funding.

21 (3) The legislature also finds that the state's economic
22 development efforts can be enhanced by, in certain instances, providing
23 funds to assist development of telecommunications infrastructure that
24 supports business development, retention, and expansion in rural
25 natural resources impact areas and rural counties of the state.

26 (4) The legislature also finds that the state's economic
27 development efforts can be enhanced by providing funds to improve
28 markets for those recyclable materials representing a large fraction of
29 the waste stream. The legislature finds that public facilities which
30 result in private construction of processing or remanufacturing
31 facilities for recyclable materials are eligible for consideration from
32 the board.

33 (5) The legislature finds that sharing economic growth statewide is
34 important to the welfare of the state. Rural counties and rural
35 natural resources impact areas do not share in the economic vitality of
36 the Puget Sound region. The ability of these communities to pursue
37 business and job retention, expansion, and development opportunities
38 depends on their capacity to ready necessary economic development

1 project plans, sites, permits, and infrastructure for private
2 investments. Project-specific planning, predevelopment, and
3 infrastructure are critical ingredients for economic development.
4 Rural counties and rural natural resources impact areas generally lack
5 these necessary tools and resources to diversify and revitalize their
6 economies. It is, therefore, the intent of the legislature to increase
7 the amount of funding available through the community economic
8 revitalization board for rural counties and rural natural resources
9 impact areas, and to authorize flexibility for available resources in
10 these areas to help fund planning, predevelopment, and construction
11 costs of infrastructure and facilities and sites that foster economic
12 vitality and diversification.

13 **Sec. 10.** RCW 43.160.074 and 1985 c 433 s 5 are each amended to
14 read as follows:

15 (1) An application to the board from a political subdivision may
16 also include a request for improvements to an existing state highway or
17 highways. The application is subject to all of the applicable criteria
18 relative to qualifying types of development set forth in this chapter,
19 as well as procedures and criteria established by the board.

20 (2) Before board consideration of an application from a political
21 subdivision that includes a request for improvements to an existing
22 state highway or highways, the application shall be forwarded by the
23 board to the legislative transportation (~~(commission)~~) committee.

24 (3) The board may not make its final determination on any
25 application made under subsection (1) of this section before receiving
26 approval, as submitted or amended or disapproval from the legislative
27 transportation (~~(commission)~~) committee as specified in RCW 47.01.280.
28 Notwithstanding its disposition of the remainder of any such
29 application, the board may not approve a request for improvements to an
30 existing state highway or highways without the approval as submitted or
31 amended of the legislative transportation (~~(commission)~~) committee as
32 specified in RCW 47.01.280.

33 (4) The board shall notify the legislative transportation
34 (~~(commission)~~) committee of its decision regarding any application made
35 under this section.

1 **Sec. 11.** RCW 46.44.080 and 1977 ex.s. c 151 s 29 are each amended
2 to read as follows:

3 Local authorities with respect to public highways under their
4 jurisdiction may prohibit the operation thereon of motor trucks or
5 other vehicles or may impose limits as to the weight thereof, or any
6 other restrictions as may be deemed necessary, whenever any such public
7 highway by reason of rain, snow, climatic or other conditions, will be
8 seriously damaged or destroyed unless the operation of vehicles thereon
9 be prohibited or restricted or the permissible weights thereof reduced:
10 PROVIDED, That whenever a highway has been closed generally to vehicles
11 or specified classes of vehicles, local authorities shall by general
12 rule or by special permit authorize the operation thereon of school
13 buses, emergency vehicles, and motor trucks transporting perishable
14 commodities or commodities necessary for the health and welfare of
15 local residents under such weight and speed restrictions as the local
16 authorities deem necessary to protect the highway from undue damage:
17 PROVIDED FURTHER, That the governing authorities of incorporated cities
18 and towns shall not prohibit the use of any city street designated by
19 the legislative transportation (~~commission~~) committee as forming a
20 part of the route of any primary state highway through any such
21 incorporated city or town by vehicles or any class of vehicles or
22 impose any restrictions or reductions in permissible weights unless
23 such restriction, limitation, or prohibition, or reduction in
24 permissible weights be first approved in writing by the department of
25 transportation.

26 The local authorities imposing any such restrictions or
27 limitations, or prohibiting any use or reducing the permissible weights
28 shall do so by proper ordinance or resolution and shall erect or cause
29 to be erected and maintained signs designating the provisions of the
30 ordinance or resolution in each end of the portion of any public
31 highway affected thereby, and no such ordinance or resolution shall be
32 effective unless and until such signs are erected and maintained.

33 The department shall have the same authority as hereinabove granted
34 to local authorities to prohibit or restrict the operation of vehicles
35 upon state highways. The department shall give public notice of
36 closure or restriction. The department may issue special permits for
37 the operation of school buses and motor trucks transporting perishable

1 commodities or commodities necessary for the health and welfare of
2 local residents under specified weight and speed restrictions as may be
3 necessary to protect any state highway from undue damage.

4 **Sec. 12.** RCW 46.61.450 and 1977 ex.s. c 151 s 39 are each amended
5 to read as follows:

6 It shall be unlawful for any person to operate a vehicle or any
7 combination of vehicles over any bridge or other elevated structure or
8 through any tunnel or underpass constituting a part of any public
9 highway at a rate of speed or with a gross weight or of a size which is
10 greater at any time than the maximum speed or maximum weight or size
11 which can be maintained or carried with safety over any such bridge or
12 structure or through any such tunnel or underpass when such bridge,
13 structure, tunnel, or underpass is sign posted as hereinafter provided.
14 The secretary of transportation, if it be a bridge, structure, tunnel,
15 or underpass upon a state highway, or the governing body or authorities
16 of any county, city, or town, if it be upon roads or streets under
17 their jurisdiction, may restrict the speed which may be maintained or
18 the gross weight or size which may be operated upon or over any such
19 bridge or elevated structure or through any such tunnel or underpass
20 with safety thereto. The secretary or the governing body or
21 authorities of any county, city, or town having jurisdiction shall
22 determine and declare the maximum speed or maximum gross weight or size
23 which such bridge, elevated structure, tunnel, or underpass can
24 withstand or accommodate and shall cause suitable signs stating such
25 maximum speed or maximum gross weight, or size, or either, to be
26 erected and maintained on the right hand side of such highway, road, or
27 street and at a distance of not less than one hundred feet from each
28 end of such bridge, structure, tunnel, or underpass and on the approach
29 thereto: PROVIDED, That in the event that any such bridge, elevated
30 structure, tunnel, or underpass is upon a city street designated by the
31 legislative transportation (~~commission~~) committee as forming a part
32 of the route of any state highway through any such incorporated city or
33 town the determination of any maximum speed or maximum gross weight or
34 size which such bridge, elevated structure, tunnel, or underpass can
35 withstand or accommodate shall not be enforceable at any speed, weight,
36 or size less than the maximum allowed by law, unless with the approval
37 in writing of the secretary. Upon the trial of any person charged with

1 a violation of this section, proof of either violation of maximum speed
2 or maximum weight, or size, or either, and the distance and location of
3 such signs as are required, shall constitute conclusive evidence of the
4 maximum speed or maximum weight, or size, or either, which can be
5 maintained or carried with safety over such bridge or elevated
6 structure or through such tunnel or underpass.

7 **Sec. 13.** RCW 47.01.012 and 2002 c 5 s 101 are each amended to read
8 as follows:

9 It is the intent of the legislature to establish policy goals for
10 the operation, performance of, and investment in, the state's
11 transportation system. The policy goals shall consist of, but not be
12 limited to, the following benchmark categories, adopted by the state's
13 Blue Ribbon Commission on Transportation on November 30, 2000. In
14 addition to improving safety, public investments in transportation
15 shall support achievement of these and other priority goals:

16 No interstate highways, state routes, and local arterials shall be
17 in poor condition; no bridges shall be structurally deficient, and
18 safety retrofits shall be performed on those state bridges at the
19 highest seismic risk levels; traffic congestion on urban state highways
20 shall be significantly reduced and be no worse than the national mean;
21 delay per driver shall be significantly reduced and no worse than the
22 national mean; per capita vehicle miles traveled shall be maintained at
23 2000 levels; the nonauto share of commuter trips shall be increased in
24 urban areas; administrative costs as a percentage of transportation
25 spending shall achieve the most efficient quartile nationally; and the
26 state's public transit agencies shall achieve the median cost per
27 vehicle revenue hour of peer transit agencies, adjusting for the
28 regional cost-of-living.

29 These policy goals shall be the basis for establishment of detailed
30 and measurable performance benchmarks.

31 It is the intent of the legislature that the legislative
32 transportation (~~commission~~) committee establish performance measures
33 to ensure transportation system performance at local, regional, and
34 state government levels, and the legislative transportation
35 (~~commission~~) committee should work with appropriate government
36 entities to accomplish this.

37 If House Bill No. 1120 or a similar bill creating citizen oversight

1 of the transportation performance benchmarks becomes law, the
2 legislative transportation committee shall work in conjunction with the
3 citizen oversight panel to monitor the attainment of transportation
4 performance benchmarks.

5 **Sec. 14.** RCW 47.01.071 and 1981 c 59 s 2 are each amended to read
6 as follows:

7 The legislative transportation (~~(commission shall have)~~) committee
8 has the following functions, powers, and duties:

9 (1) To propose policies to be adopted by the legislature designed
10 to assure the development and maintenance of a comprehensive and
11 balanced statewide transportation system which will meet the needs of
12 the people of this state for safe and efficient transportation
13 services. Wherever appropriate the policies shall provide for the use
14 of integrated, intermodal transportation systems to implement the
15 social, economic, and environmental policies, goals, and objectives of
16 the people of the state, and especially to conserve nonrenewable
17 natural resources including land and energy. To this end the
18 (~~(commission)~~) committee shall:

19 (a) Develop transportation policies which are based on the
20 policies, goals, and objectives expressed and inherent in existing
21 state laws;

22 (b) Inventory the adopted policies, goals, and objectives of the
23 local and area-wide governmental bodies of the state and define the
24 role of the state, regional, and local governments in determining
25 transportation policies, in transportation planning, and in
26 implementing the state transportation plan;

27 (c) Propose a transportation policy for the state, and after notice
28 and public hearings, submit the proposal to (~~(the legislative~~
29 ~~transportation committee and)~~) the senate and house transportation
30 committees (~~(by January 1, 1978,)~~) for consideration in the next
31 legislative session;

32 (d) Establish a procedure for review and revision of the state
33 transportation policy and for submission of proposed changes to the
34 legislature;

35 (e) To integrate the statewide transportation plan with the needs
36 of the elderly and handicapped, and to coordinate federal and state
37 programs directed at assisting local governments to answer such needs;

1 (2) To establish the policy of the department to be followed by the
2 secretary on each of the following items:

3 (a) To provide for the effective coordination of state
4 transportation planning with national transportation policy, state and
5 local land use policies, and local and regional transportation plans
6 and programs;

7 (b) To provide for public involvement in transportation designed to
8 elicit the public's views both with respect to adequate transportation
9 services and appropriate means of minimizing adverse social, economic,
10 environmental, and energy impact of transportation programs;

11 (c) To provide for the administration of grants in aid and other
12 financial assistance to counties and municipal corporations for
13 transportation purposes;

14 (d) To provide for the management, sale, and lease of property or
15 property rights owned by the department which are not required for
16 transportation purposes;

17 (3) To direct the secretary to prepare and submit to the
18 (~~(commission)~~) committee a comprehensive and balanced statewide
19 transportation plan which shall be based on the transportation policy
20 adopted by the legislature and applicable state and federal laws.
21 After public notice and hearings, the (~~(commission)~~) committee shall
22 adopt the plan and submit it to (~~(the legislative transportation~~
23 ~~committee and to)~~) the house and senate standing committees on
24 transportation before January 1, 1980, for consideration in the 1980
25 regular legislative session. The plan shall be reviewed and revised
26 prior to each regular session of the legislature during an even-
27 numbered year thereafter. A preliminary plan shall be submitted to
28 such committees by January 1, 1979.

29 The plan shall take into account federal law and regulations
30 relating to the planning, construction, and operation of transportation
31 facilities;

32 (4) To propose to the governor and the legislature prior to the
33 convening of each regular session held in an odd-numbered year a
34 recommended budget for the operations of the (~~(commission as required~~
35 ~~by RCW 47.01.061)~~) committee;

36 (5) (~~(To approve and propose to the governor and to the legislature~~
37 ~~prior to the convening of each regular session during an odd-numbered~~
38 ~~year a recommended budget for the operation of the department and for~~

1 carrying out the program of the department for the ensuing biennium.
2 The proposed budget shall separately state the appropriations to be
3 made from the motor vehicle fund for highway purposes in accordance
4 with constitutional limitations and appropriations and expenditures to
5 be made from the general fund, or accounts thereof, and other available
6 sources for other operations and programs of the department;

7 ~~(6) To review and authorize all departmental requests for~~
8 ~~legislation;~~

9 ~~(7) To approve the issuance and sale of all bonds authorized by the~~
10 ~~legislature for capital construction of state highways, toll~~
11 ~~facilities, Columbia Basin county roads (for which reimbursement to the~~
12 ~~motor vehicle fund has been provided), urban arterial projects, and~~
13 ~~aviation facilities;~~

14 ~~(8) To adopt such rules, regulations, and policy directives as may~~
15 ~~be necessary to carry out reasonably and properly those functions~~
16 ~~expressly vested in the commission by statute;~~

17 ~~(9)) To delegate any of its powers to the secretary of~~
18 ~~transportation whenever it deems it desirable for the efficient~~
19 ~~administration of the department and consistent with the purposes of~~
20 ~~this title;~~

21 ~~((10)) (6) To exercise such other specific powers and duties as~~
22 ~~may be vested in the ((transportation commission)) committee by this or~~
23 ~~any other provision of law.~~

24 **Sec. 15.** RCW 47.01.250 and 1998 c 245 s 92 are each amended to
25 read as follows:

26 The chief of the Washington state patrol, the director of the
27 traffic safety commission, the executive director of the county road
28 administration board, and the director of licensing are designated as
29 official consultants to the legislative transportation ~~((commission))~~
30 committee so that the goals and activities of their respective agencies
31 which relate to transportation are fully coordinated with other related
32 responsibilities of the department of transportation. In this
33 capacity, the chief of the Washington state patrol, the director of the
34 traffic safety commission, the executive director of the county road
35 administration board, and the director of licensing shall consult with
36 the legislative transportation ~~((commission))~~ committee and the
37 secretary of transportation on the implications and impacts on the

1 transportation related functions and duties of their respective
2 agencies of any proposed comprehensive transportation plan, program, or
3 policy.

4 In order to develop fully integrated, balanced, and coordinated
5 transportation plans, programs, and budgets the chief of the Washington
6 state patrol, the director of the traffic safety commission, the
7 executive director of the county road administration board, and the
8 director of licensing shall consult with the secretary of
9 transportation on the matter of relative priorities during the
10 development of their respective agencies' plans, programs, and budgets
11 as they pertain to transportation activities.

12 **Sec. 16.** RCW 47.01.280 and 1999 c 94 s 10 are each amended to read
13 as follows:

14 (1) Upon receiving an application for improvements to an existing
15 state highway or highways pursuant to RCW 43.160.074 from the community
16 economic revitalization board, the legislative transportation
17 (~~commission~~) committee shall, in a timely manner, determine whether
18 or not the proposed state highway improvements:

19 (a) Meet the safety and design criteria of the department of
20 transportation;

21 (b) Will impair the operational integrity of the existing highway
22 system;

23 (c) Will affect any other improvements planned by the department;
24 and

25 (d) Will be consistent with its policies developed pursuant to RCW
26 47.01.071.

27 (2) Upon completion of its determination of the factors contained
28 in subsection (1) of this section and any other factors it deems
29 pertinent, the (~~transportation commission~~) committee shall forward
30 its approval, as submitted or amended or disapproval of the proposed
31 improvements to the board, along with any recommendation it may wish to
32 make concerning the desirability and feasibility of the proposed
33 development. If the (~~transportation commission~~) committee
34 disapproves any proposed improvements, it shall specify its reasons for
35 disapproval.

36 (3) Upon notification from the board of an application's approval

1 pursuant to RCW 43.160.074, the (~~(transportation commission)~~)
2 department shall (~~(direct the department of transportation to)~~) carry
3 out the improvements in coordination with the applicant.

4 (4) The (~~(transportation commission)~~) department shall notify the
5 (~~(legislative)~~) house and senate standing committees on transportation
6 (~~(committee)~~) of all state highway improvements to be carried out
7 pursuant to RCW 43.160.074 and this section.

8 **Sec. 17.** RCW 47.05.021 and 2002 c 56 s 301 are each amended to
9 read as follows:

10 (1) The (~~(transportation commission is hereby directed to)~~)
11 department shall conduct periodic analyses of the entire state highway
12 system, report thereon to the chairs of the transportation committees
13 of the senate and house of representatives, including one copy to the
14 staff of each of the committees, biennially and based thereon, (~~(to)~~)
15 subdivide, classify, and subclassify according to their function and
16 importance all designated state highways and those added from time to
17 time and periodically review and revise the classifications into the
18 following three functional classes:

19 (a) The "principal arterial system" shall consist of a connected
20 network of rural arterial routes with appropriate extensions into and
21 through urban areas, including all routes designated as part of the
22 interstate system, which serve corridor movements having travel
23 characteristics indicative of substantial statewide and interstate
24 travel;

25 (b) The "minor arterial system" shall, in conjunction with the
26 principal arterial system, form a rural network of arterial routes
27 linking cities and other activity centers which generate long distance
28 travel, and, with appropriate extensions into and through urban areas,
29 form an integrated network providing interstate and interregional
30 service; and

31 (c) The "collector system" shall consist of routes which primarily
32 serve the more important intercounty, intracounty, and intraurban
33 travel corridors, collect traffic from the system of local access roads
34 and convey it to the arterial system, and on which, regardless of
35 traffic volume, the predominant travel distances are shorter than on
36 arterial routes.

1 (2) In making the functional classification the (~~transportation~~
2 ~~commission~~) department shall adopt and give consideration to criteria
3 consistent with this section and federal regulations relating to the
4 functional classification of highways, including but not limited to the
5 following:

6 (a) Urban population centers within and without the state
7 stratified and ranked according to size;

8 (b) Important traffic generating economic activities, including but
9 not limited to recreation, agriculture, government, business, and
10 industry;

11 (c) Feasibility of the route, including availability of alternate
12 routes within and without the state;

13 (d) Directness of travel and distance between points of economic
14 importance;

15 (e) Length of trips;

16 (f) Character and volume of traffic;

17 (g) Preferential consideration for multiple service which shall
18 include public transportation;

19 (h) Reasonable spacing depending upon population density; and

20 (i) System continuity.

21 (3) The (~~transportation commission or the~~) legislature shall
22 designate state highways of statewide significance under RCW 47.06.140.
23 (~~If the commission designates a state highway of statewide~~
24 ~~significance, it shall submit a list of such facilities for adoption by~~
25 ~~the legislature.~~) This statewide system shall include at a minimum
26 interstate highways and other statewide principal arterials that are
27 needed to connect major communities across the state and support the
28 state's economy.

29 (4) The legislative transportation (~~commission~~) committee shall
30 designate a freight and goods transportation system. This statewide
31 system shall include state highways, county roads, and city streets.
32 The (~~commission~~) committee, in cooperation with cities and counties,
33 shall review and make recommendations to the legislature regarding
34 policies governing weight restrictions and road closures which affect
35 the transportation of freight and goods.

36 **Sec. 18.** RCW 47.05.030 and 2002 c 5 s 402 are each amended to read
37 as follows:

1 The legislative transportation (~~commission~~) committee shall adopt
2 a comprehensive six-year investment program specifying program
3 objectives and performance measures for the preservation and
4 improvement programs defined in this section. In the specification of
5 investment program objectives and performance measures, the legislative
6 transportation (~~commission, in consultation with the Washington state~~
7 ~~department of transportation,~~) committee shall define and adopt
8 standards for effective programming and prioritization practices
9 including a needs analysis process. The analysis process must ensure
10 the identification of problems and deficiencies, the evaluation of
11 alternative solutions and trade-offs, and estimations of the costs and
12 benefits of prospective projects. The investment program must be
13 revised biennially, effective on July 1st of odd-numbered years. The
14 investment program must be based upon the needs identified in the
15 state-owned highway component of the statewide transportation plan as
16 defined in RCW 47.01.071(3).

17 (1) The preservation program consists of those investments
18 necessary to preserve the existing state highway system and to restore
19 existing safety features, giving consideration to lowest life cycle
20 costing. The preservation program must require use of the most cost-
21 effective pavement surfaces, considering:

- 22 (a) Life-cycle cost analysis;
- 23 (b) Traffic volume;
- 24 (c) Subgrade soil conditions;
- 25 (d) Environmental and weather conditions;
- 26 (e) Materials available; and
- 27 (f) Construction factors.

28 The comprehensive six-year investment program for preservation must
29 identify projects for two years and an investment plan for the
30 remaining four years.

31 (2) The improvement program consists of investments needed to
32 address identified deficiencies on the state highway system to increase
33 mobility, address congestion, and improve safety, support for the
34 economy, and protection of the environment. The six-year investment
35 program for improvements must identify projects for two years and major
36 deficiencies proposed to be addressed in the six-year period giving
37 consideration to relative benefits and life cycle costing. The
38 legislative transportation (~~commission~~) committee shall give higher

1 priority for correcting identified deficiencies on those facilities
2 classified as facilities of statewide significance as defined in RCW
3 47.06.140. Project prioritization must be based primarily upon cost-
4 benefit analysis, where appropriate.

5 The legislative transportation (~~commission~~) committee shall
6 approve and present the comprehensive six-year investment program to
7 the legislature in support of the biennial budget request under RCW
8 44.40.070 and 44.40.080.

9 **Sec. 19.** RCW 47.05.035 and 2002 c 5 s 403 are each amended to read
10 as follows:

11 (1) The department (~~and the commission~~) shall use the
12 transportation demand modeling tools developed under subsection (2) of
13 this section to evaluate investments based on the best mode or
14 improvement, or mix of modes and improvements, to meet current and
15 future long-term demand within a corridor or system for the lowest
16 cost. The end result of these demand modeling tools is to provide a
17 cost-benefit analysis by which the department (~~and the commission~~)
18 can determine the relative mobility improvement and congestion relief
19 each mode or improvement under consideration will provide and the
20 relative investment each mode or improvement under consideration will
21 need to achieve that relief. The department must forward the results
22 of its analysis to the legislative transportation committee for
23 approval.

24 (2) The department will participate in the refinement, enhancement,
25 and application of existing transportation demand modeling tools to be
26 used to evaluate investments. This participation and use of
27 transportation demand modeling tools will be phased in.

28 (3) In developing program objectives and performance measures, the
29 legislative transportation (~~commission~~) committee shall evaluate
30 investment trade-offs between the preservation and improvement
31 programs. In making these investment trade-offs, the (~~commission~~)
32 committee shall evaluate, using cost-benefit techniques, roadway and
33 bridge maintenance activities as compared to roadway and bridge
34 preservation program activities and adjust those programs accordingly.

35 (4) The (~~commission~~) legislative transportation committee shall
36 allocate the estimated revenue between preservation and improvement
37 programs giving primary consideration to the following factors:

- 1 (a) The relative needs in each of the programs and the system
2 performance levels that can be achieved by meeting these needs;
3 (b) The need to provide adequate funding for preservation to
4 protect the state's investment in its existing highway system;
5 (c) The continuity of future transportation development with those
6 improvements previously programmed; and
7 (d) The availability of dedicated funds for a specific type of
8 work.

9 **Sec. 20.** RCW 47.05.051 and 2002 c 189 s 3 are each amended to read
10 as follows:

11 (1) The comprehensive six-year investment program shall be based
12 upon the needs identified in the state-owned highway component of the
13 statewide multimodal transportation plan as defined in RCW 47.01.071(3)
14 and priority selection systems that incorporate the following criteria:

15 (a) Priority programming for the preservation program shall take
16 into account the following, not necessarily in order of importance:

17 (i) Extending the service life of the existing highway system,
18 including using the most cost-effective pavement surfaces, considering:

19 (A) Life-cycle cost analysis;

20 (B) Traffic volume;

21 (C) Subgrade soil conditions;

22 (D) Environmental and weather conditions;

23 (E) Materials available; and

24 (F) Construction factors;

25 (ii) Ensuring the structural ability to carry loads imposed upon
26 highways and bridges; and

27 (iii) Minimizing life cycle costs. The legislative transportation
28 (~~commission~~) committee in carrying out the provisions of this section
29 may delegate to the department of transportation the authority to
30 select preservation projects to be included in the six-year program.

31 (b) Priority programming for the improvement program must be based
32 primarily upon the following, not necessarily in order of importance:

33 (i) Traffic congestion, delay, and accidents;

34 (ii) Location within a heavily traveled transportation corridor;

35 (iii) Except for projects in cities having a population of less
36 than five thousand persons, synchronization with other potential

1 transportation projects, including transit and multimodal projects,
2 within the heavily traveled corridor; and
3 (iv) Use of benefit/cost analysis wherever feasible to determine
4 the value of the proposed project.
5 (c) Priority programming for the improvement program may also take
6 into account:
7 (i) Support for the state's economy, including job creation and job
8 preservation;
9 (ii) The cost-effective movement of people and goods;
10 (iii) Accident and accident risk reduction;
11 (iv) Protection of the state's natural environment;
12 (v) Continuity and systematic development of the highway
13 transportation network;
14 (vi) Consistency with local comprehensive plans developed under
15 chapter 36.70A RCW including the following if they have been included
16 in the comprehensive plan:
17 (A) Support for development in and revitalization of existing
18 downtowns;
19 (B) Extent that development implements local comprehensive plans
20 for rural and urban residential and nonresidential densities;
21 (C) Extent of compact, transit-oriented development for rural and
22 urban residential and nonresidential densities;
23 (D) Opportunities for multimodal transportation; and
24 (E) Extent to which the project accommodates planned growth and
25 economic development;
26 (vii) Consistency with regional transportation plans developed
27 under chapter 47.80 RCW;
28 (viii) Public views concerning proposed improvements;
29 (ix) The conservation of energy resources;
30 (x) Feasibility of financing the full proposed improvement;
31 (xi) Commitments established in previous legislative sessions;
32 (xii) Relative costs and benefits of candidate programs.
33 (d) Major projects addressing capacity deficiencies which
34 prioritize allowing for preliminary engineering shall be reprioritized
35 during the succeeding biennium, based upon updated project data.
36 Reprioritized projects may be delayed or canceled by the legislative
37 transportation (~~commission~~) committee if higher priority projects are
38 awaiting funding.

1 (e) Major project approvals which significantly increase a
2 project's scope or cost from original prioritization estimates shall
3 include a review of the project's estimated revised priority rank and
4 the level of funding provided. Projects may be delayed or canceled by
5 the legislative transportation ((~~commission~~)) committee if higher
6 priority projects are awaiting funding.

7 (2) The ((~~commission~~)) legislative transportation committee may
8 depart from the priority programming established under subsection (1)
9 of this section: (a) To the extent that otherwise funds cannot be
10 utilized feasibly within the program; (b) as may be required by a court
11 judgment, legally binding agreement, or state and federal laws and
12 regulations; (c) as may be required to coordinate with federal, local,
13 or other state agency construction projects; (d) to take advantage of
14 some substantial financial benefit that may be available; (e) for
15 continuity of route development; or (f) because of changed financial or
16 physical conditions of an unforeseen or emergent nature. The
17 ((~~commission or secretary of~~)) legislative transportation committee
18 shall maintain in its files information sufficient to show the extent
19 to which the ((~~commission~~)) committee has departed from the established
20 priority.

21 (3) The ((~~commission~~)) committee shall identify those projects that
22 yield freight mobility benefits or that alleviate the impacts of
23 freight mobility upon affected communities.

24 **Sec. 21.** RCW 47.06.030 and 1997 c 369 s 8 are each amended to read
25 as follows:

26 The ((~~commission~~)) legislative transportation committee shall
27 develop a state transportation policy plan that (1) establishes a
28 vision and goals for the development of the statewide transportation
29 system consistent with the state's growth management goals, (2)
30 identifies significant statewide transportation policy issues, and (3)
31 recommends statewide transportation policies and strategies to the
32 legislature to fulfill the requirements of RCW 47.01.071(1). The state
33 transportation policy plan shall be the product of an ongoing process
34 that involves representatives of significant transportation interests
35 and the general public from across the state. The plan shall address
36 how the department of transportation will meet the transportation needs

1 and expedite the completion of industrial projects of statewide
2 significance.

3 **Sec. 22.** RCW 47.06.050 and 2002 c 5 s 413 are each amended to read
4 as follows:

5 The state-owned facilities component of the statewide
6 transportation plan shall consist of:

7 (1) The state highway system plan, which identifies program and
8 financing needs and recommends specific and financially realistic
9 improvements to preserve the structural integrity of the state highway
10 system, ensure acceptable operating conditions, and provide for
11 enhanced access to scenic, recreational, and cultural resources. The
12 state highway system plan shall contain the following elements:

13 (a) A system preservation element, which shall establish structural
14 preservation objectives for the state highway system including bridges,
15 identify current and future structural deficiencies based upon analysis
16 of current conditions and projected future deterioration, and recommend
17 program funding levels and specific actions necessary to preserve the
18 structural integrity of the state highway system consistent with
19 adopted objectives. Lowest life cycle cost methodologies must be used
20 in developing a pavement management system. This element shall serve
21 as the basis for the preservation component of the six-year highway
22 program and the two-year biennial budget request to the legislature;

23 (b) A highway maintenance element, establishing service levels for
24 highway maintenance on state-owned highways that meet benchmarks
25 established by the legislative transportation (~~(commission)~~) committee.
26 The highway maintenance element must include an estimate of costs for
27 achieving those service levels over twenty years. This element will
28 serve as the basis for the maintenance component of the six-year
29 highway program and the two-year biennial budget request to the
30 legislature;

31 (c) A capacity and operational improvement element, which shall
32 establish operational objectives, including safety considerations, for
33 moving people and goods on the state highway system, identify current
34 and future capacity, operational, and safety deficiencies, and
35 recommend program funding levels and specific improvements and
36 strategies necessary to achieve the operational objectives. In
37 developing capacity and operational improvement plans the department

1 shall first assess strategies to enhance the operational efficiency of
2 the existing system before recommending system expansion. Strategies
3 to enhance the operational efficiencies include but are not limited to
4 access management, transportation system management, demand management,
5 and high-occupancy vehicle facilities. The capacity and operational
6 improvement element must conform to the state implementation plan for
7 air quality and be consistent with regional transportation plans
8 adopted under chapter 47.80 RCW, and shall serve as the basis for the
9 capacity and operational improvement portions of the six-year highway
10 program and the two-year biennial budget request to the legislature;

11 (d) A scenic and recreational highways element, which shall
12 identify and recommend designation of scenic and recreational highways,
13 provide for enhanced access to scenic, recreational, and cultural
14 resources associated with designated routes, and recommend a variety of
15 management strategies to protect, preserve, and enhance these
16 resources. The department, affected counties, cities, and towns,
17 regional transportation planning organizations, and other state or
18 federal agencies shall jointly develop this element;

19 (e) A paths and trails element, which shall identify the needs of
20 nonmotorized transportation modes on the state transportation systems
21 and provide the basis for the investment of state transportation funds
22 in paths and trails, including funding provided under chapter 47.30
23 RCW.

24 (2) The state ferry system plan, which shall guide capital and
25 operating investments in the state ferry system. The plan shall
26 establish service objectives for state ferry routes, forecast travel
27 demand for the various markets served in the system, develop strategies
28 for ferry system investment that consider regional and statewide
29 vehicle and passenger needs, support local land use plans, and assure
30 that ferry services are fully integrated with other transportation
31 services. The plan must provide for maintenance of capital assets.
32 The plan must also provide for preservation of capital assets based on
33 lowest life cycle cost methodologies. The plan shall assess the role
34 of private ferries operating under the authority of the utilities and
35 transportation commission and shall coordinate ferry system capital and
36 operational plans with these private operations. The ferry system plan
37 must be consistent with the regional transportation plans for areas

1 served by the state ferry system, and shall be developed in conjunction
2 with the ferry advisory committees.

3 **Sec. 23.** RCW 47.12.242 and 1991 c 291 s 1 are each amended to read
4 as follows:

5 The term "advance right of way acquisition" means the acquisition
6 of property and property rights, generally not more than ten years in
7 advance of programmed highway construction projects, together with the
8 engineering costs necessary for such advance right of way acquisition.
9 Any property or property rights purchased must be in designated highway
10 transportation corridors and be for projects approved by the
11 (~~commission~~) committee as part of the state's six-year plan or
12 included in the state's route development planning effort.

13 **Sec. 24.** RCW 47.12.330 and 1998 c 181 s 2 are each amended to read
14 as follows:

15 For the purpose of environmental mitigation of transportation
16 projects, the department may acquire or develop, or both acquire and
17 develop, environmental mitigation sites in advance of the construction
18 of programmed projects. The term "advanced environmental mitigation"
19 means mitigation of adverse impacts upon the environment from
20 transportation projects before their design and construction. Advanced
21 environmental mitigation consists of the acquisition of property; the
22 acquisition of property, water, or air rights; the development of
23 property for the purposes of improved environmental management;
24 engineering costs necessary for such purchase and development; and the
25 use of advanced environmental mitigation sites to fulfill project
26 environmental permit requirements. Advanced environmental mitigation
27 must be conducted in a manner that is consistent with the definition of
28 mitigation found in the council of environmental quality regulations
29 (40 C.F.R. Sec. 1508.20) and the governor's executive order on wetlands
30 (EO 90-04). Advanced environmental mitigation is for projects approved
31 by the (~~transportation commission~~) committee as part of the state's
32 six-year plan or included in the state highway system plan. Advanced
33 environmental mitigation must give consideration to activities related
34 to fish passage, fish habitat, wetlands, and flood management.
35 Advanced environmental mitigation may also be conducted in partnership
36 with federal, state, or local government agencies, tribal governments,

1 interest groups, or private parties. Partnership arrangements may
2 include joint acquisition and development of mitigation sites,
3 purchasing and selling mitigation bank credits among participants, and
4 transfer of mitigation site title from one party to another. Specific
5 conditions of partnership arrangements will be developed in written
6 agreements for each applicable environmental mitigation site.

7 **Sec. 25.** RCW 47.24.010 and 1998 c 245 s 97 are each amended to
8 read as follows:

9 The (~~transportation commission~~) committee shall determine what
10 streets, together with bridges thereon and wharves necessary for use
11 for ferriage of motor vehicle traffic in connection with such streets,
12 if any, in any incorporated cities and towns shall form a part of the
13 route of state highways and between the first and fifteenth days of
14 July of any year the department of transportation shall identify by
15 brief description, the streets, together with the bridges thereon and
16 wharves, if any, in such city or town which are designated as forming
17 a part of the route of any state highway; and all such streets,
18 including curbs and gutters and street intersections and such bridges
19 and wharves, shall thereafter be a part of the state highway system and
20 as such shall be constructed and maintained by the department of
21 transportation from any state funds available therefor: PROVIDED, That
22 the responsibility for the construction and maintenance of any such
23 street together with its appurtenances may be returned to a city or a
24 town upon certification by the department of transportation to the
25 clerk of any city or town that such street, or portion thereof, is no
26 longer required as a part of the state highway system: PROVIDED
27 FURTHER, That any such certification that a street, or portion thereof,
28 is no longer required as a part of the state highway system shall be
29 made between the first and fifteenth of July following the
30 determination by the department that such street or portion thereof is
31 no longer required as a part of the state highway system, but this
32 shall not prevent the department and any city or town from entering
33 into an agreement that a city or town will accept responsibility for
34 such a street or portion thereof at some time other than between the
35 first and fifteenth of July of any year.

1 **Sec. 26.** RCW 47.26.170 and 1994 c 179 s 16 are each amended to
2 read as follows:

3 Each county having within its boundaries an urban area and cities
4 and towns shall prepare and submit to the transportation improvement
5 board arterial inventory data required to determine the long-range
6 arterial construction needs. The counties, cities, and towns shall
7 revise the arterial inventory data every four years to show the current
8 arterial construction needs through the advanced planning period, and
9 as revised shall submit them to the transportation improvement board
10 during the first week of January every four years beginning in 1996.
11 The inventory data shall be prepared pursuant to guidelines established
12 by the transportation improvement board. As information is updated, it
13 shall be made available to the (~~commission and the~~) legislative
14 transportation committee.

15 **Sec. 27.** RCW 47.28.010 and 1977 ex.s. c 151 s 59 are each amended
16 to read as follows:

17 Whenever the general route of any state highway shall be designated
18 and laid out as running to or by way of certain designated points,
19 without specifying the particular route to be followed to or by way of
20 such points, the (~~transportation commission~~) committee shall
21 determine the particular route to be followed by said state highway to
22 or by way of said designated points, and shall be at liberty to select
23 and adopt as a part of such state highway, the whole or any part of any
24 existing public highway previously designated as a county road, primary
25 road, or secondary road or now or hereafter classified as a county
26 road. The (~~commission~~) committee need not select and adopt the
27 entire routes for such state highways at one time, but may select and
28 adopt parts of such routes from time to time as it deems advisable.
29 Where a state highway is designated as passing by way of a certain
30 point, this shall not require the (~~commission~~) committee to cause
31 such state highway to pass through or touch such point but such
32 designation is directional only and may be complied with by location in
33 the general vicinity. The department of transportation is empowered to
34 construct as a part of any state highway as designated and in addition
35 to any portion meeting the limits of any incorporated city or town a
36 bypass section either through or around any such incorporated city or
37 town.

1 **Sec. 30.** RCW 36.79.010 and 1997 c 81 s 1 are each amended to read
2 as follows:

3 The definitions set forth in this section apply throughout this
4 chapter unless the context clearly requires otherwise.

5 (1) "Rural arterial program" means improvement projects on those
6 county roads in rural areas classified as rural arterials and
7 collectors in accordance with the federal functional classification
8 system and the construction of replacement bridges funded by the
9 federal bridge replacement program on access roads in rural areas.

10 (2) "Rural area" means every area of the state outside of areas
11 designated as urban areas by the state department of transportation
12 (~~(commission)~~) with the approval of the secretary of the United States
13 Department of Transportation in accordance with federal law.

14 (3) "Board" means the county road administration board created by
15 RCW 36.78.030.

16 **Sec. 31.** RCW 36.79.130 and 1983 1st ex.s. c 49 s 13 are each
17 amended to read as follows:

18 Not later than November 1st of each even-numbered year the board
19 shall prepare and present to the (~~(state)~~) legislative transportation
20 (~~(commission)~~) committee a recommended budget for expenditures from the
21 rural arterial trust account during the ensuing biennium. The budget
22 shall contain an estimate of the revenues to be credited to the rural
23 arterial trust account.

24 The (~~(state)~~) department of transportation (~~(commission)~~) shall
25 review the budget as recommended, revise the budget as it deems proper,
26 and include the budget as revised as a separate section of the
27 transportation budget which it shall submit to the governor pursuant to
28 chapter 43.88 RCW.

29 **Sec. 32.** RCW 36.120.050 and 2002 c 56 s 105 are each amended to
30 read as follows:

31 (1) A regional transportation investment district planning
32 committee may, as part of a regional transportation investment plan,
33 recommend the imposition of some or all of the following revenue
34 sources, which a regional transportation investment district may impose
35 upon approval of the voters as provided in this chapter:

36 (a) A regional sales and use tax, as specified in RCW 82.14.430, of

1 up to 0.5 percent of the selling price, in the case of a sales tax, or
2 value of the article used, in the case of a use tax, upon the
3 occurrence of any taxable event in the regional transportation
4 investment district;

5 (b) A local option vehicle license fee, as specified under RCW
6 82.80.100, of up to one hundred dollars per vehicle registered in the
7 district. As used in this subsection, "vehicle" means motor vehicle as
8 defined in RCW 46.04.320. Certain classes of vehicles, as defined
9 under chapter 46.04 RCW, may be exempted from this fee;

10 (c) A parking tax under RCW 82.80.030;

11 (d) A local motor vehicle excise tax under RCW 81.100.060 and
12 chapter 81.104 RCW;

13 (e) An employer excise tax under RCW 81.100.030; and

14 (f) Vehicle tolls on new or reconstructed facilities. Unless
15 otherwise specified by law, the department shall administer the
16 collection of vehicle tolls on designated facilities, and the ((state))
17 department of transportation ((commission)), or its successor, shall be
18 the tolling authority.

19 (2) Taxes, fees, and tolls may not be imposed without an
20 affirmative vote of the majority of the voters within the boundaries of
21 the district voting on a ballot proposition as set forth in RCW
22 36.120.070. Revenues from these taxes and fees may be used only to
23 implement the plan as set forth in this chapter. A district may
24 contract with the state department of revenue or other appropriate
25 entities for administration and collection of any of the taxes or fees
26 authorized in this section.

27 (3) Existing statewide motor vehicle fuel and special fuel taxes,
28 at the distribution rates in effect on January 1, 2001, are not
29 intended to be altered by this chapter.

30 **Sec. 33.** RCW 46.44.042 and 1996 c 116 s 1 are each amended to read
31 as follows:

32 Subject to the maximum gross weights specified in RCW 46.44.041, it
33 is unlawful to operate any vehicle upon the public highways with a
34 gross weight, including load, upon any tire concentrated upon the
35 surface of the highway in excess of six hundred pounds per inch width
36 of such tire. An axle manufactured after July 31, 1993, carrying more
37 than ten thousand pounds gross weight must be equipped with four or

1 more tires. Effective January 1, 1997, an axle carrying more than ten
2 thousand pounds gross weight must have four or more tires, regardless
3 of date of manufacture. Instead of the four or more tires per axle
4 requirements of this section, an axle may be equipped with two tires
5 limited to five hundred pounds per inch width of tire. This section
6 does not apply to vehicles operating under oversize or overweight
7 permits, or both, issued under RCW 46.44.090, while carrying a
8 nonreducible load.

9 The following equipment may operate at six hundred pounds per inch
10 width of tire: (1) A nonliftable steering axle or axles on the power
11 unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster
12 trailing axle equipped with two tires on a ready-mix concrete transit
13 truck; and (4) a straddle trailer manufactured before January 1, 1996,
14 equipped with single-tire axles or a single axle using a walking beam
15 supported by two in-line single tires and used exclusively for the
16 transport of fruit bins between field, storage, and processing. A
17 straddle trailer manufactured after January 1, 1996, meeting this use
18 criteria may carry five hundred fifteen pounds per inch width of tire
19 on sixteen and one-half inch wide tires.

20 For the purpose of this section, the width of tire in case of solid
21 rubber or hollow center cushion tires, so long as the use thereof may
22 be permitted by the law, shall be measured between the flanges of the
23 rim. For the purpose of this section, the width of tires in case of
24 pneumatic tires shall be the maximum overall normal inflated width as
25 stipulated by the manufacturer when inflated to the pressure specified
26 and without load thereon.

27 The department of transportation, under rules adopted by (~~the~~
28 ~~transportation commission~~) it with respect to state highways, and a
29 local authority, with respect to a public highway under its
30 jurisdiction, may extend the weight table in RCW 46.44.041 to one
31 hundred fifteen thousand pounds. However, the extension must be in
32 compliance with federal law, and vehicles operating under the extension
33 must be in full compliance with the 1997 axle and tire requirements
34 under this section.

35 **Sec. 34.** RCW 46.44.090 and 2001 c 262 s 1 are each amended to read
36 as follows:

37 The department of transportation, pursuant to rules adopted by

1 (~~the transportation commission~~) it with respect to state highways,
2 and local authorities, with respect to public highways under their
3 jurisdiction, may, upon application in writing and good cause being
4 shown therefor, issue a special permit in writing, or electronically,
5 authorizing the applicant to operate or move a vehicle or combination
6 of vehicles of a size, weight of vehicle, or load exceeding the maximum
7 set forth in RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, and
8 46.44.041 upon any public highway under the jurisdiction of the
9 authority granting such permit and for the maintenance of which such
10 authority is responsible.

11 **Sec. 35.** RCW 46.44.092 and 1989 c 398 s 2 are each amended to read
12 as follows:

13 Special permits may not be issued for movements on any state
14 highway outside the limits of any city or town in excess of the
15 following widths:

16 On two-lane highways, fourteen feet;

17 On multiple-lane highways where a physical barrier serving as a
18 median divider separates opposing traffic lanes, twenty feet;

19 On multiple-lane highways without a physical barrier serving as a
20 median divider, thirty-two feet.

21 These limits apply except under the following conditions:

22 (1) In the case of buildings, the limitations referred to in this
23 section for movement on any two lane state highway other than the
24 national system of interstate and defense highways may be exceeded
25 under the following conditions: (a) Controlled vehicular traffic shall
26 be maintained in one direction at all times; (b) the maximum distance
27 of movement shall not exceed five miles; additional contiguous permits
28 shall not be issued to exceed the five-mile limit: PROVIDED, That when
29 the department of transportation, pursuant to general rules adopted by
30 (~~the transportation commission~~) it, determines a hardship would
31 result, this limitation may be exceeded upon approval of the department
32 of transportation; (c) prior to issuing a permit a qualified
33 transportation department employee shall make a visual inspection of
34 the building and route involved determining that the conditions listed
35 herein shall be complied with and that structures or overhead
36 obstructions may be cleared or moved in order to maintain a constant
37 and uninterrupted movement of the building; (d) special escort or other

1 precautions may be imposed to assure movement is made under the safest
2 possible conditions, and the Washington state patrol shall be advised
3 when and where the movement is to be made;

4 (2) Permits may be issued for widths of vehicles in excess of the
5 preceding limitations on highways or sections of highways which have
6 been designed and constructed for width in excess of such limitations;

7 (3) Permits may be issued for vehicles with a total outside width,
8 including the load, of nine feet or less when the vehicle is equipped
9 with a mechanism designed to cover the load pursuant to RCW 46.61.655;

10 (4) These limitations may be rescinded when certification is made
11 by military officials, or by officials of public or private power
12 facilities, or when in the opinion of the department of transportation
13 the movement or action is a necessary movement or action: PROVIDED
14 FURTHER, That in the judgment of the department of transportation the
15 structures and highway surfaces on the routes involved are capable of
16 sustaining widths in excess of such limitation;

17 (5) These limitations shall not apply to movement during daylight
18 hours on any two lane state highway where the gross weight, including
19 load, does not exceed eighty thousand pounds and the overall width of
20 load does not exceed sixteen feet: PROVIDED, That the minimum and
21 maximum speed of such movements, prescribed routes of such movements,
22 the times of such movements, limitation upon frequency of trips (which
23 limitation shall be not less than one per week), and conditions to
24 assure safety of traffic may be prescribed by the department of
25 transportation or local authority issuing such special permit.

26 The applicant for any special permit shall specifically describe
27 the vehicle or vehicles and load to be operated or moved and the
28 particular state highways for which permit to operate is requested and
29 whether such permit is requested for a single trip or for continuous
30 operation.

31 **Sec. 36.** RCW 46.44.096 and 1996 c 92 s 1 are each amended to read
32 as follows:

33 In determining fees according to RCW 46.44.0941, mileage on state
34 primary and secondary highways shall be determined from the planning
35 survey records of the department of transportation, and the gross
36 weight of the vehicle or vehicles, including load, shall be declared by
37 the applicant. Overweight on which fees shall be paid will be gross

1 loadings in excess of loadings authorized by law or axle loadings in
2 excess of loadings authorized by law, whichever is the greater. Loads
3 which are overweight and oversize shall be charged the fee for the
4 overweight permit without additional fees being assessed for the
5 oversize features.

6 Special permits issued under RCW 46.44.047, 46.44.0941, or
7 46.44.095, may be obtained from offices of the department of
8 transportation, ports of entry, or other agents appointed by the
9 department.

10 The department may appoint agents for the purposes of selling
11 special motor vehicle permits, temporary additional tonnage permits,
12 and log tolerance permits. Agents so appointed may retain three
13 dollars and fifty cents for each permit sold to defray expenses
14 incurred in handling and selling the permits. If the fee is collected
15 by the department of transportation, the department shall certify the
16 fee so collected to the state treasurer for deposit to the credit of
17 the motor vehicle fund.

18 The department may select a third party contractor, by means of
19 competitive bid, to perform the department's permit issuance function,
20 as provided under RCW 46.44.090. Factors the department shall
21 consider, but is not limited to, in the selection of a third party
22 contractor are economic benefit to both the department and the motor
23 carrier industry, and enhancement of the overall level of permit
24 service. For purposes of this section, "third party contractor" means
25 a business entity that is authorized by the department to issue special
26 permits. The department of transportation (~~commission~~) may adopt
27 rules specifying the criteria that a business entity must meet in order
28 to qualify as a third party contractor under this section.

29 Fees established in RCW 46.44.0941 shall be paid to the political
30 body issuing the permit if the entire movement is to be confined to
31 roads, streets, or highways for which that political body is
32 responsible. When a movement involves a combination of state highways,
33 county roads, and/or city streets the fee shall be paid to the state
34 department of transportation. When a movement is confined within the
35 city limits of a city or town upon city streets, including routes of
36 state highways on city streets, all fees shall be paid to the city or
37 town involved. A permit will not be required from city or town
38 authorities for a move involving a combination of city or town streets

1 and state highways when the move through a city or town is being
2 confined to the route of the state highway. When a move involves a
3 combination of county roads and city streets the fee shall be paid to
4 the county authorities, but the fee shall not be collected nor the
5 county permit issued until valid permits are presented showing that the
6 city or town authorities approve of the move in question. When the
7 movement involves only county roads the fees collected shall be paid to
8 the county involved. Fees established shall be paid to the political
9 body issuing the permit if the entire use of the vehicle during the
10 period covered by the permit shall be confined to the roads, streets,
11 or highways for which that political body is responsible.

12 **Sec. 37.** RCW 47.02.120 and 1990 c 293 s 1 are each amended to read
13 as follows:

14 For the purpose of providing funds for the acquisition of
15 headquarters facilities for district 1 of the department of
16 transportation and costs incidental thereto, together with all
17 improvements and equipment required to make the facilities suitable for
18 the department's use, there shall be issued and sold upon the request
19 of the ((Washington transportation commission)) department a total of
20 fifteen million dollars of general obligation bonds of the state of
21 Washington.

22 **Sec. 38.** RCW 47.02.140 and 1990 c 293 s 3 are each amended to read
23 as follows:

24 Upon the request of the secretary of transportation ((~~commission~~)),
25 the state finance committee shall supervise and provide for the
26 issuance, sale, and retirement of the bonds authorized by RCW 47.02.120
27 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds
28 authorized by RCW 47.02.120 through 47.02.190 shall be sold in such
29 manner, at such time or times, in such amounts, and at such price as
30 the state finance committee shall determine. Except for the purpose of
31 repaying the loan from the motor vehicle fund, no such bonds may be
32 offered for sale without prior legislative appropriation of the net
33 proceeds of the sale of the bonds.

34 The state finance committee shall consider the issuance of short-
35 term obligations in lieu of long-term obligations for the purposes of

1 more favorable interest rates, lower total interest costs, and
2 increased marketability and for the purpose of retiring the bonds
3 during the life of the project for which they were issued.

4 **Sec. 39.** RCW 47.10.843 and 1998 c 321 s 16 are each amended to
5 read as follows:

6 In order to provide funds necessary for the location, design, right
7 of way, and construction of state and local highway improvements, there
8 shall be issued and sold upon the request of the (~~Washington state~~
9 ~~transportation commission~~) department a maximum of one billion nine
10 hundred million dollars of general obligation bonds of the state of
11 Washington.

12 **Sec. 40.** RCW 47.10.844 and 1998 c 321 s 17 are each amended to
13 read as follows:

14 Upon the request of the (~~transportation commission~~) department,
15 the state finance committee shall supervise and provide for the
16 issuance, sale, and retirement of the bonds authorized by RCW 47.10.843
17 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds
18 authorized by RCW 47.10.843 through 47.10.848 shall be sold in such
19 manner, at such time or times, in such amounts, and at such price as
20 the state finance committee shall determine. No such bonds may be
21 offered for sale without prior legislative appropriation of the net
22 proceeds of the sale of the bonds.

23 The state finance committee shall consider the issuance of short-
24 term obligations in lieu of long-term obligations for the purposes of
25 more favorable interest rates, lower total interest costs, and
26 increased marketability and for the purpose of retiring the bonds
27 during the life of the project for which they were issued.

28 **Sec. 41.** RCW 47.12.200 and 1977 ex.s. c 151 s 55 are each amended
29 to read as follows:

30 The (~~transportation commission~~) department may enter into
31 agreements with the state finance committee for financing the
32 acquisition, by purchase or condemnation, of real property together
33 with engineering costs that the (~~transportation commission~~)
34 department deems will be necessary for the improvement of the state

1 highway system. Such agreements may provide for the acquisition of an
2 individual parcel or for the acquisition of any number of parcels
3 within the limits of a contemplated highway project.

4 **Sec. 42.** RCW 47.12.220 and 1977 ex.s. c 151 s 56 are each amended
5 to read as follows:

6 Each such agreement shall include, but shall not be limited to the
7 following:

8 (1) A provision stating the term of the agreement which shall not
9 extend more than seven years from the effective date of the agreement;

10 (2) A designation of the specific fund or funds to be used to carry
11 out such agreement;

12 (3) A provision that the department of transportation may redeem
13 warrants purchased by the state finance committee at any time prior to
14 the letting of a highway improvement contract utilizing the property;
15 and further, during the effective period of each such agreement the
16 department of transportation shall redeem such warrants whenever such
17 a highway improvement contract is let, or upon the expiration of such
18 agreement, whichever date is earlier;

19 (4) A provision stating the rate of interest such warrants shall
20 bear commencing at the time of purchase by the state finance committee;

21 (5) Any additional provisions agreed upon by the (~~transportation~~
22 ~~commission~~) department and the state finance committee which are
23 necessary to carry out the purposes of such agreement as indicated by
24 RCW 47.12.180 through 47.12.240(~~(, as now or hereafter amended)~~).

25 **Sec. 43.** RCW 47.17.132 and 1997 c 308 s 1 are each amended to read
26 as follows:

27 A state highway to be known as state route number 35 is established
28 as follows:

29 Beginning at the Washington-Oregon boundary line thence northerly
30 to a junction with state route number 14 in the vicinity of White
31 Salmon; however, until such time as a bridge across the Columbia River
32 is constructed at a location adopted by the (~~transportation~~
33 ~~commission~~) department no existing route may be maintained or improved
34 by the (~~transportation commission~~) department as a temporary route
35 for state route number 35.

1 **Sec. 44.** RCW 47.26.440 and 1994 c 179 s 25 are each amended to
2 read as follows:

3 Not later than November 1st of each even-numbered year the
4 transportation improvement board shall prepare and present to the
5 (~~commission~~) department for comment and recommendation an adopted
6 budget for expenditures from funds administered by the board during the
7 ensuing biennium. The budget shall contain an estimate of the revenues
8 to be credited to the several accounts and the amount, if any, of bond
9 proceeds which the board determines should be made available through
10 the sale of bonds in the ensuing biennium.

11 **Sec. 45.** RCW 47.38.060 and 1996 c 172 s 1 are each amended to read
12 as follows:

13 The (~~transportation—commission~~) department may designate
14 interstate safety rest areas, as appropriate, as locations for memorial
15 signs to prisoners of war and those missing in action. The
16 (~~commission~~) department shall adopt policies for the placement of
17 memorial signs on interstate safety rest areas and may disapprove any
18 memorial sign that it determines to be inappropriate or inconsistent
19 with the policies. The policies shall include, but are not limited to,
20 guidelines for the size and location of and inscriptions on memorial
21 signs. The secretary shall adopt rules for administering this program.
22 Nonprofit associations may have their name identified on a memorial
23 sign if the association bears the cost of supplying and maintaining the
24 memorial sign.

25 **Sec. 46.** RCW 47.46.090 and 2002 c 114 s 6 are each amended to read
26 as follows:

27 (1) A citizen advisory committee must be created for any project
28 developed under this chapter that imposes toll charges for use of a
29 transportation facility. The governor shall appoint nine members to
30 the committee, all of whom must be permanent residents of the affected
31 project area, as that term is used in RCW 47.46.030.

32 (2) The citizen advisory committee shall serve in an advisory
33 capacity to the (~~commission~~) department on all matters related to the
34 imposition of tolls. Members of the committee shall serve without
35 compensation.

36 (3) No toll charge may be imposed or modified unless the citizen

1 advisory committee has been given at least twenty days to review and
2 comment on any proposed toll charge schedule. In setting toll rates,
3 the ((~~commission~~)) department shall give consideration to any
4 recommendations of the citizen advisory committee.

5 **Sec. 47.** RCW 47.46.120 and 2002 c 114 s 9 are each amended to read
6 as follows:

7 Pursuant to RCW 43.135.055, the legislature authorizes the
8 department of transportation ((~~commission~~)) to increase bridge tolls in
9 excess of the fiscal growth factor.

10 **Sec. 48.** RCW 47.52.133 and 1987 c 200 s 2 are each amended to read
11 as follows:

12 Except as provided in RCW 47.52.134, the ((~~transportation~~
13 ~~commission~~)) department and the highway authorities of the counties and
14 incorporated cities and towns, with regard to facilities under their
15 respective jurisdictions, prior to the establishment of any limited
16 access facility, shall hold a public hearing within the county, city,
17 or town wherein the limited access facility is to be established to
18 determine the desirability of the plan proposed by such authority.
19 Notice of such hearing shall be given to the owners of property
20 abutting the section of any existing highway, road, or street being
21 established as a limited access facility, as indicated in the tax rolls
22 of the county, and in the case of a state limited access facility, to
23 the county and/or city or town. Such notice shall be by United States
24 mail in writing, setting forth a time for the hearing, which time shall
25 be not less than fifteen days after mailing of such notice. Notice of
26 such hearing also shall be given by publication not less than fifteen
27 days prior to such hearing in one or more newspapers of general
28 circulation within the county, city, or town. Such notice by
29 publication shall be deemed sufficient as to any owner or reputed owner
30 or any unknown owner or owner who cannot be located. Such notice shall
31 indicate a suitable location where plans for such proposal may be
32 inspected.

33 **Sec. 49.** RCW 47.52.145 and 1981 c 95 s 2 are each amended to read
34 as follows:

35 Whenever after the final adoption of a plan for a limited access

1 highway by the (~~transportation commission~~) department, an additional
2 design public hearing with respect to the facility or any portion
3 thereof is conducted pursuant to federal law resulting in a revision of
4 the design of the limited access plan, the (~~commission~~) department
5 may modify the previously adopted limited access plan to conform to the
6 revised design without further public hearings providing the following
7 conditions are met:

8 (1) As compared with the previously adopted limited access plan,
9 the revised plan will not require additional or different right of way
10 with respect to that section of highway for which the design has been
11 revised, in excess of five percent by area; and

12 (2) If the previously adopted limited access plan was modified by
13 a board of review convened at the request of a county, city, or town,
14 the legislative authority of the county, city, or town shall approve
15 any revisions of the plan which conflict with modifications ordered by
16 the board of review.

17 **Sec. 50.** RCW 47.52.210 and 1981 c 95 s 3 are each amended to read
18 as follows:

19 (1) Whenever the (~~transportation commission~~) department adopts a
20 plan for a limited access highway to be constructed within the
21 corporate limits of a city or town which incorporates existing city or
22 town streets, title to such streets shall remain in the city or town,
23 and the provisions of RCW 47.24.020 as now or hereafter amended shall
24 continue to apply to such streets until such time that the highway is
25 operated as either a partially or fully controlled access highway.
26 Title to and full control over that portion of the city or town street
27 incorporated into the limited access highway shall be vested in the
28 state upon a declaration by the secretary of transportation that such
29 highway is operational as a limited access facility, but in no event
30 prior to the acquisition of right of way for such highway including
31 access rights, and not later than the final completion of construction
32 of such highway.

33 (2) Upon the completion of construction of a state limited access
34 highway within a city or town, the department of transportation may
35 relinquish to the city or town streets constructed or improved as a
36 functional part of the limited access highway, slope easements,
37 landscaping areas, and other related improvements to be maintained and

1 operated by the city or town in accordance with the limited access
2 plan. Title to such property relinquished to a city or town shall be
3 conveyed by a deed executed by the secretary of transportation and duly
4 acknowledged. Relinquishment of such property to the city or town may
5 be expressly conditioned upon the maintenance of access control
6 acquired by the state and the continued operation of such property as
7 a functional part of the limited access highway.

8 **Sec. 51.** RCW 47.56.030 and 2002 c 114 s 19 are each amended to
9 read as follows:

10 (1) Except as permitted under chapter 47.46 RCW:

11 (a) The department of transportation shall have full charge of the
12 construction of all toll bridges and other toll facilities including
13 the Washington state ferries, and the operation and maintenance
14 thereof.

15 (b) The (~~transportation commission~~) department shall determine
16 and establish the tolls and charges thereon, and shall perform all
17 duties and exercise all powers relating to the financing, refinancing,
18 and fiscal management of all toll bridges and other toll facilities
19 including the Washington state ferries, and bonded indebtedness in the
20 manner provided by law.

21 (c) The department shall have full charge of design of all toll
22 facilities.

23 (d) Except as provided in this section, the department shall
24 proceed with the construction of such toll bridges and other facilities
25 and the approaches thereto by contract in the manner of state highway
26 construction immediately upon there being made available funds for such
27 work and shall prosecute such work to completion as rapidly as
28 practicable. The department is authorized to negotiate contracts for
29 any amount without bid under (d)(i) and (ii) of this subsection:

30 (i) Emergency contracts, in order to make repairs to ferries or
31 ferry terminal facilities or removal of such facilities whenever
32 continued use of ferries or ferry terminal facilities constitutes a
33 real or immediate danger to the traveling public or precludes prudent
34 use of such ferries or facilities; and

35 (ii) Single source contracts for vessel dry dockings, when there is
36 clearly and legitimately only one available bidder to conduct dry dock-

1 related work for a specific class or classes of vessels. The contracts
2 may be entered into for a single vessel dry docking or for multiple
3 vessel dry dockings for a period not to exceed two years.

4 (2) The department shall proceed with the procurement of materials,
5 supplies, services, and equipment needed for the support, maintenance,
6 and use of a ferry, ferry terminal, or other facility operated by
7 Washington state ferries, in accordance with chapter 43.19 RCW except
8 as follows:

9 (a) Except as provided in (d) of this subsection, when the
10 secretary of the department of transportation determines in writing
11 that the use of invitation for bid is either not practicable or not
12 advantageous to the state and it may be necessary to make competitive
13 evaluations, including technical or performance evaluations among
14 acceptable proposals to complete the contract award, a contract may be
15 entered into by use of a competitive sealed proposals method, and a
16 formal request for proposals solicitation. Such formal request for
17 proposals solicitation shall include a functional description of the
18 needs and requirements of the state and the significant factors.

19 (b) When purchases are made through a formal request for proposals
20 solicitation the contract shall be awarded to the responsible proposer
21 whose competitive sealed proposal is determined in writing to be the
22 most advantageous to the state taking into consideration price and
23 other evaluation factors set forth in the request for proposals. No
24 significant factors may be used in evaluating a proposal that are not
25 specified in the request for proposals. Factors that may be considered
26 in evaluating proposals include but are not limited to: Price;
27 maintainability; reliability; commonality; performance levels; life
28 cycle cost if applicable under this section; cost of transportation or
29 delivery; delivery schedule offered; installation cost; cost of spare
30 parts; availability of parts and service offered; and the following:

31 (i) The ability, capacity, and skill of the proposer to perform the
32 contract or provide the service required;

33 (ii) The character, integrity, reputation, judgment, experience,
34 and efficiency of the proposer;

35 (iii) Whether the proposer can perform the contract within the time
36 specified;

37 (iv) The quality of performance of previous contracts or services;

1 (v) The previous and existing compliance by the proposer with laws
2 relating to the contract or services;

3 (vi) Objective, measurable criteria defined in the request for
4 proposal. These criteria may include but are not limited to items such
5 as discounts, delivery costs, maintenance services costs, installation
6 costs, and transportation costs; and

7 (vii) Such other information as may be secured having a bearing on
8 the decision to award the contract.

9 (c) When purchases are made through a request for proposal process,
10 proposals received shall be evaluated based on the evaluation factors
11 set forth in the request for proposal. When issuing a request for
12 proposal for the procurement of propulsion equipment or systems that
13 include an engine, the request for proposal must specify the use of a
14 life cycle cost analysis that includes an evaluation of fuel
15 efficiency. When a life cycle cost analysis is used, the life cycle
16 cost of a proposal shall be given at least the same relative importance
17 as the initial price element specified in the request of proposal
18 documents. The department may reject any and all proposals received.
19 If the proposals are not rejected, the award shall be made to the
20 proposer whose proposal is most advantageous to the department,
21 considering price and the other evaluation factors set forth in the
22 request for proposal.

23 (d) If the department is procuring large equipment or systems
24 (e.g., electrical, propulsion) needed for the support, maintenance, and
25 use of a ferry operated by Washington state ferries, the department
26 shall proceed with a formal request for proposal solicitation under
27 this subsection (2) without a determination of necessity by the
28 secretary.

29 **Sec. 52.** RCW 47.56.032 and 1984 c 7 s 247 are each amended to read
30 as follows:

31 All powers vested in the toll bridge authority as of September 21,
32 1977, relating to the acquiring, operating, extending, designing,
33 constructing, repairing, and maintenance of the Washington state
34 ferries or any part thereof and the collecting of tolls and charges for
35 use of its facilities, shall be performed by the department. The
36 (~~commission~~) department shall determine all fares, tolls, and other
37 charges for its facilities and shall directly perform all duties and

1 exercise all powers relating to financing, refinancing, and fiscal
2 management of the system's bonded indebtedness in the manner provided
3 by law.

4 **Sec. 53.** RCW 47.56.070 and 1977 ex.s. c 151 s 67 are each amended
5 to read as follows:

6 The department of transportation may(~~(, with the approval of the~~
7 ~~transportation commission,)~~) provide for the establishment,
8 construction, and operation of toll tunnels, toll roads, and other
9 facilities necessary for their construction and connection with public
10 highways of the state. It may cause surveys to be made to determine
11 the propriety of their establishment, construction, and operation, and
12 may acquire rights of way and other facilities necessary to carry out
13 the provisions hereof; and may issue, sell, and redeem bonds, and
14 deposit and expend them; secure and remit financial and other
15 assistance in the construction thereof; carry insurance thereon; and
16 handle any other matters pertaining thereto, all of which shall be
17 conducted in the same manner and under the same procedure as provided
18 for the establishing, constructing, operating, and maintaining of toll
19 bridges by the department, insofar as reasonably consistent and
20 applicable. No toll facility, toll bridge, toll road, or toll tunnel,
21 shall be combined with any other toll facility for the purpose of
22 financing unless such facilities form a continuous project, to the end
23 that each such facility or project be self-liquidating and self-
24 sustaining.

25 **Sec. 54.** RCW 47.56.076 and 2002 c 56 s 403 are each amended to
26 read as follows:

27 Upon approval of a majority of the voters within its boundaries
28 voting on the ballot proposition, and only for the purposes authorized
29 in RCW 36.120.050(1)(f), a regional transportation investment district
30 may impose vehicle tolls on state routes where improvements financed in
31 whole or in part by a regional transportation investment district add
32 additional lanes to, or reconstruct lanes on, a highway of statewide
33 significance. The department shall administer the collection of
34 vehicle tolls on designated facilities unless otherwise specified in
35 law, and (~~the state transportation commission, or its successor,~~)
36 shall be the tolling authority.

1 **Sec. 55.** RCW 47.56.080 and 1977 ex.s. c 151 s 68 are each amended
2 to read as follows:

3 Whenever in the judgment of the (~~transportation commission~~)
4 department it is considered in the best interest of the public highways
5 of the state that any new toll bridge or bridges be constructed upon
6 any public highway and across any stream, body of water, gulch,
7 navigable water, swamp, or other topographical formation and operated
8 by the state the (~~commission~~) department shall adopt a resolution
9 declaring that public interest and necessity require the construction
10 of such toll bridge or bridges and authorizing the issuance of revenue
11 bonds for the purpose of obtaining funds in an amount not in excess of
12 that estimated to be required for such construction. The issuance of
13 bonds as provided in this chapter for the construction of more than one
14 toll bridge may at the discretion of the (~~commission~~) department be
15 included in the same authority and issue of bonds.

16 **Sec. 56.** RCW 47.56.110 and 1984 c 7 s 255 are each amended to read
17 as follows:

18 Before the department proceeds with any action to secure a right of
19 way or with construction of any toll bridge under the provisions of
20 this chapter, the (~~commission~~) department shall first pass a
21 resolution that public interest and necessity require the acquisition
22 of right of way for and the construction of the toll bridge. The
23 resolution is conclusive evidence (1) of the public necessity of such
24 construction; (2) that the property is necessary therefor; and (3) that
25 the proposed construction is planned or located in a manner which will
26 be most compatible with the greatest public good and the least private
27 injury. When it becomes necessary for the department to condemn any
28 real estate to be used in connection with any such bridge, the attorney
29 general of the state shall represent the department. In eminent domain
30 proceedings to acquire property for any of the purposes of this
31 chapter, any toll bridge, real property, personal property, franchises,
32 rights, easements, or other property or privileges appurtenant thereto
33 appropriated or dedicated to a public use or purpose by any person,
34 firm, private, public, or municipal corporation, county, city, town,
35 district, or any political subdivision of the state, may be condemned
36 and taken, and the acquisition and use as provided in this chapter for
37 the same public use or purpose to which the property has been so

1 appropriated or dedicated, or for any other public use or purpose, is
2 a superior and permanent right and necessity, and a more necessary use
3 and purpose than the public use or purpose to which the property has
4 already been appropriated or dedicated. It is not necessary in any
5 eminent domain proceedings under this chapter to plead or prove any
6 acts or proceedings preliminary or prior to the adoption of the
7 resolution hereinbefore referred to describing the property sought to
8 be taken and directing such proceedings.

9 **Sec. 57.** RCW 47.56.120 and 1977 ex.s. c 151 s 70 are each amended
10 to read as follows:

11 ~~((In the event that))~~ If the ~~((transportation commission should))~~
12 department determines that any toll bridge should be constructed, all
13 cost thereof including right of way, survey, and engineering shall be
14 paid out of any funds available for payment of the cost of such toll
15 bridge under this chapter.

16 **Sec. 58.** RCW 47.56.250 and 1977 ex.s. c 151 s 71 are each amended
17 to read as follows:

18 Whenever a proposed toll bridge, toll road, toll tunnel, or any
19 other toll facility of any sort is to be constructed, any city, county,
20 or other political subdivision located in relation to such facility so
21 as to benefit directly or indirectly thereby, may, either jointly or
22 separately, at the request of the ~~((transportation commission))~~
23 department advance or contribute money, or bonds, rights of way, labor,
24 materials, and other property toward the expense of building the toll
25 facility, and for preliminary surveys and the preparation of plans and
26 estimates of cost therefor and other preliminary expenses. Any such
27 city, county, or other political subdivision may, either jointly or
28 separately, at the request of the ~~((transportation commission))~~
29 department advance or contribute money or bonds for the purpose of
30 guaranteeing the payment of interest or principal on the bonds issued
31 by the ~~((commission))~~ department to finance the toll facility.
32 Appropriations for such purposes may be made from any funds available,
33 including county road funds received from or credited by the state, or
34 funds obtained by excess tax levies made pursuant to law or the
35 issuance of general obligation bonds for this purpose. General
36 obligation bonds issued by a city, county, or political subdivision may

1 ((with the consent of the commission)) be placed with the department of
2 transportation to be sold by the department to provide funds for such
3 purpose. Money, or bonds, or property so advanced or contributed may
4 be immediately transferred or delivered to the department to be used
5 for the purpose for which contribution was made. The ((commission))
6 department may enter into an agreement with a city, county, or other
7 political subdivision to repay any money, or bonds or the value of a
8 right of way, labor, materials, or other property so advanced or
9 contributed. The ((commission)) department may make such repayment to
10 a city, county, or other political subdivision and reimburse the state
11 for any expenditures made by it in connection with the toll facility
12 out of tolls and other revenues for the use of the toll facility.

13 **Sec. 59.** RCW 47.60.013 and 1981 c 341 s 1 are each amended to read
14 as follows:

15 The governor is authorized to take such actions as may be necessary
16 to insure the continued operation of the Puget Sound ferry and toll
17 bridge system under any emergency circumstances which threaten the
18 continued operation of the system. In the event of such an emergency,
19 the governor may assume all the powers granted by law to the
20 ((~~transportation commission and~~)) department of transportation with
21 respect to the ferry system. In addition, notwithstanding the
22 provisions of chapters 47.60 and 47.64 RCW, the governor may contract
23 with any qualified persons for the operation of the Washington state
24 ferry system, or any part thereof, or for ferry service to be provided
25 by privately owned vessels. Administrative costs to the office of the
26 governor incurred in the exercise of this authority shall be reimbursed
27 by the department.

28 **Sec. 60.** RCW 47.60.150 and 1999 c 94 s 26 are each amended to read
29 as follows:

30 Subject to the provisions of RCW 47.60.326, the schedule of charges
31 for the services and facilities of the system shall be fixed and
32 revised from time to time by the ((commission)) department so that the
33 tolls and other revenues deposited in the Puget Sound ferry operations
34 account for maintenance and operation, and all moneys in the Puget
35 Sound capital construction account available for debt service will
36 yield annual revenue and income sufficient, after allowance for all

1 operating, maintenance, and repair expenses to pay the interest and
2 principal and sinking fund charges for all outstanding revenue bonds,
3 and to create and maintain a fund for ordinary renewals and
4 replacements: PROVIDED, That if provision is made by any resolution
5 for the issuance of revenue bonds for the creation and maintenance of
6 a special fund for rehabilitating, rebuilding, enlarging, or improving
7 all or any part of the ferry system then such schedule of tolls and
8 rates of charges shall be fixed and revised so that the revenue and
9 income will also be sufficient to comply with such provision.

10 All income and revenues as collected shall be paid to the state
11 treasurer for the account of the department and deposited into the
12 Puget Sound ferry operations account. Nothing in this section requires
13 tolls on the Hood Canal bridge except as may be required by any bond
14 covenants.

15 **Sec. 61.** RCW 47.60.326 and 2001 1st sp.s. c 1 s 1 are each amended
16 to read as follows:

17 (1) In order to maintain an adequate, fair, and economically sound
18 schedule of charges for the transportation of passengers, vehicles, and
19 commodities on the Washington state ferries, the department of
20 transportation each year shall conduct a full review of such charges.

21 (2) Prior to February 1st of each odd-numbered year the department
22 shall (~~transmit to the transportation commission~~) make public a
23 report of its review together with its recommendations for the revision
24 of a schedule of charges for the ensuing biennium. The (~~commission~~)
25 department on or before July 1st of that year shall adopt as a rule, in
26 the manner provided by the Washington Administrative Procedure Act, a
27 schedule of charges for the Washington state ferries for the ensuing
28 biennium commencing July 1st. The schedule may initially be adopted as
29 an emergency rule if necessary to take effect on, or as near as
30 possible to, July 1st.

31 (3) The department in making its review (~~and~~), formulating
32 recommendations_, and (~~the commission in~~) adopting a schedule of
33 charges may consider any of the following factors:

34 (a) The amount of subsidy available to the ferry system for
35 maintenance and operation;

36 (b) The time and distance of ferry runs;

1 (c) The maintenance and operation costs for ferry runs with a
2 proper adjustment for higher costs of operating outmoded or less
3 efficient equipment;

4 (d) The efficient distribution of traffic between cross-sound
5 routes;

6 (e) The desirability of reasonable commutation rates for persons
7 using the ferry system to commute daily to work;

8 (f) The effect of proposed fares in increasing walk-on and
9 vehicular passenger use;

10 (g) The effect of proposed fares in promoting all types of ferry
11 use during nonpeak periods;

12 (h) Such other factors as prudent managers of a major ferry system
13 would consider.

14 (4) If at any time during the biennium it appears that projected
15 revenues from the Puget Sound ferry operations account and any other
16 operating subsidy available to the Washington state ferries will be
17 less than the projected total cost of maintenance and operation of the
18 Washington state ferries for the biennium, the department shall
19 forthwith undertake a review of its schedule of charges to ascertain
20 whether or not the schedule of charges should be revised. The
21 department shall, upon completion of its review report, (~~submit~~) make
22 public its recommendation (~~to the transportation commission which~~),
23 and may in its sound discretion revise the schedule of charges as
24 required to meet necessary maintenance and operation expenditures of
25 the ferry system for the biennium or may defer action until the regular
26 annual review and revision of ferry charges as provided in subsection
27 (2) of this section.

28 (5) The provisions of RCW 47.60.330 relating to public
29 participation shall apply to the process of revising ferry tolls under
30 this section.

31 (6) Under RCW 43.135.055, the (~~transportation commission~~)
32 department may increase ferry tolls included in the schedule of charges
33 adopted under this section by a percentage that exceeds the fiscal
34 growth factor.

35 **Sec. 62.** RCW 47.60.330 and 1983 c 15 s 26 are each amended to read
36 as follows:

37 (1) Before a substantial expansion or curtailment in the level of

1 service provided to ferry users, or a revision in the schedule of ferry
2 tolls or charges, the department of transportation shall consult with
3 affected ferry users. The consultation shall be: (a) By public
4 hearing in affected local communities; (b) by review with the affected
5 ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting
6 a survey of affected ferry users; or (d) by any combination of (a)
7 through (c).

8 (2) There is created a ferry system productivity council consisting
9 of a representative of each ferry advisory committee empanelled under
10 RCW 47.60.310, elected by the members thereof, and two representatives
11 of employees of the ferry system appointed by mutual agreement of all
12 of the unions representing ferry employees, which shall meet from time
13 to time with ferry system management to discuss means of improving
14 ferry system productivity.

15 (3) Before increasing ferry tolls the department of transportation
16 shall consider all possible cost reductions with full public
17 participation as provided in subsection (1) of this section and,
18 consistent with public policy, shall consider adapting service levels
19 equitably on a route-by-route basis to reflect trends in and forecasts
20 of traffic usage. Forecasts of traffic levels shall be developed by
21 the bond covenant traffic engineering firm appointed under the
22 provisions of RCW 47.60.450. Provisions of this section shall not
23 alter obligations under RCW 47.60.450. Before including any toll
24 increase in a budget proposal (~~by the commission~~), the department of
25 transportation shall consult with affected ferry users in the manner
26 prescribed in (1)(b) of this section plus the procedure of either
27 (1)(a) or (c) of this section.

28 **Sec. 63.** RCW 47.60.445 and 1990 c 42 s 409 are each amended to
29 read as follows:

30 Notwithstanding the provisions of RCW 47.56.240 and 47.56.245 the
31 (~~transportation commission~~) department shall not collect tolls on the
32 Hood Canal bridge for any purpose except where necessary to comply with
33 bond covenants.

34 The cost of maintenance, upkeep, and repair may be paid from funds
35 appropriated for the construction and maintenance of the primary state
36 highways of the state of Washington.

1 **Sec. 64.** RCW 47.60.800 and 1992 c 158 s 1 are each amended to read
2 as follows:

3 In order to provide funds necessary for vessel and terminal
4 acquisition, construction, and major and minor improvements, including
5 long lead time materials acquisition for the Washington state ferries,
6 there shall be issued and sold upon the request of the (~~Washington~~
7 ~~state~~) department of transportation (~~commission~~) and legislative
8 appropriation a total of two hundred ten million dollars of general
9 obligation bonds of the state of Washington.

10 **Sec. 65.** RCW 47.64.011 and 1983 c 15 s 2 are each amended to read
11 as follows:

12 As used in this chapter, unless the context otherwise requires, the
13 definitions in this section shall apply.

14 (1) "Arbitration" means the procedure whereby the parties involved
15 in an impasse submit their differences to a third party for a final and
16 binding decision or as provided in this chapter.

17 (2) "Arbitrator" means either a single arbitrator or a panel of
18 three arbitrators as provided in RCW 47.64.240.

19 (3) "Collective bargaining representative" means the persons
20 designated by the secretary of transportation and employee
21 organizations to be the exclusive representatives during collective
22 bargaining negotiations.

23 (4) "Department of transportation" means the department as defined
24 in RCW 47.01.021.

25 (5) "Ferry employee" means any employee of the marine
26 transportation division of the department of transportation who is a
27 member of a collective bargaining unit represented by a ferry employee
28 organization and does not include an exempt employee pursuant to RCW
29 41.06.079.

30 (6) "Ferry employee organization" means any labor organization
31 recognized to represent a collective bargaining unit of ferry
32 employees.

33 (7) "Ferry system management" means those management personnel of
34 the marine transportation division of the department of transportation
35 who have been vested with the day-to-day management responsibilities of
36 the Washington state ferry system by the (~~transportation commission~~)

1 department and who are not members of a collective bargaining unit
2 represented by a ferry employee organization.

3 (8) "Lockout" means the refusal of ferry system management to
4 furnish work to ferry employees in an effort to get ferry employee
5 organizations to make concessions during collective bargaining,
6 grievance, or other labor relation negotiations. Curtailment of
7 employment of ferry employees due to lack of work resulting from a
8 strike or work stoppage, as defined in subsection (11) of this section,
9 shall not be considered a lockout.

10 (9) "Marine employees' commission" means the commission created in
11 RCW 47.64.280.

12 (10) "Office of financial management" means the office as created
13 in RCW 43.41.050.

14 (11) "Strike or work stoppage" means a ferry employee's refusal, in
15 concerted action with others, to report to duty, or his or her willful
16 absence from his or her position, or his or her stoppage or slowdown of
17 work, or his or her abstinence in whole or in part from the full,
18 faithful, and proper performance of the duties of employment, for the
19 purpose of inducing, influencing, or coercing a change in conditions,
20 compensation, rights, privileges, or obligations of his, her, or any
21 other ferry employee's employment. A refusal, in good faith, to work
22 under conditions which pose an endangerment to the health and safety of
23 ferry employees or the public, as determined by the master of the
24 vessel, shall not be considered a strike for the purposes of this
25 chapter.

26 (12) "Transportation commission" means the commission as defined in
27 RCW 47.01.021.

28 **Sec. 66.** RCW 47.64.170 and 1983 c 15 s 8 are each amended to read
29 as follows:

30 (1) Any ferry employee organization certified as the bargaining
31 representative shall be the exclusive representative of all ferry
32 employees in the bargaining unit and shall represent all such employees
33 fairly.

34 (2) A ferry employee organization or organizations and the
35 secretary of transportation may each designate any individual as its
36 representative to engage in collective bargaining negotiations.

37 (3) Negotiating sessions, including strategy meetings of ferry

1 system management or employee organizations, mediation, and the
2 deliberative process of arbitrators are exempt from the provisions of
3 chapter 42.30 RCW. Hearings conducted by arbitrators may be open to
4 the public by mutual consent of the parties. Any meeting of the
5 (~~transportation commission~~) department, during which a collective
6 bargaining agreement is subject to ratification, shall be open to the
7 public.

8 (4) Terms of any collective bargaining agreement may be enforced by
9 civil action in Thurston county superior court upon the initiative of
10 either party.

11 (5) Ferry system employees or any employee organization shall not
12 negotiate or attempt to negotiate directly with (~~a member of the~~
13 ~~transportation commission~~) department personnel if the (~~commission~~)
14 department has appointed or authorized a bargaining representative for
15 the purpose of bargaining with the ferry employees or their
16 representative, unless the (~~member of the commission~~) department
17 personnel is the designated bargaining representative of the ferry
18 system.

19 (6) The negotiation of a proposed collective bargaining agreement
20 by representatives of ferry system management and a ferry employee
21 organization shall commence in each odd-numbered year immediately
22 following adoption by the legislature and approval by the governor of
23 the biennial budget.

24 (7) Until a new collective bargaining agreement is negotiated, or
25 until an award is made by the arbitrator, the terms and conditions of
26 the previous collective bargaining agreement shall remain in force.
27 The wage and benefit provisions of any collective bargaining agreement,
28 or arbitrator's award in lieu thereof, that is concluded after July 1st
29 of an odd-numbered year shall be retroactive to July 1st. It is the
30 intent of this section that the collective bargaining agreement or
31 arbitrator's award shall commence on July 1st of each odd-numbered year
32 and shall terminate on June 30th of the next odd-numbered year to
33 coincide with the ensuing biennial budget year, as defined by RCW
34 43.88.020(7), to the extent practical.

35 (8) Any ferry union contract terminating before July 1, 1983,
36 shall, with the agreement of the parties, remain in effect until a
37 contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120
38 through 47.64.280. The contract may be retroactive to the expiration

1 date of the prior contract, and the cost to the department of three
2 months retroactive compensation and benefits for this 1983 contract
3 negotiation only shall not be included in calculating the limitation
4 imposed by RCW 47.64.180. If the parties cannot agree to contract
5 extension, any increase agreed to for the three-month period shall be
6 included in calculating the limit imposed by RCW 47.64.180.

7 (9) Any ferry union contract which would terminate after July 1,
8 1983, may, by agreement of the parties, be terminated as of July 1,
9 1983, and a new contract concluded pursuant to RCW 47.64.006,
10 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating
11 after July 1, 1983, is subject to this chapter only upon its expiration
12 and shall not be renewed for a period beyond July 1, 1985.

13 NEW SECTION. **Sec. 67.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 47.01.051 (Commission created--Appointment of members--
16 Terms--Qualifications--Removal) and 1977 ex.s. c 151 s 5; and

17 (2) RCW 47.01.061 (Commission--Procedures and internal operations)
18 and 1987 c 364 s 2, 1984 c 287 s 94, 1983 1st ex.s. c 53 s 29, 1981 c
19 59 s 1, & 1977 ex.s. c 151 s 6.

20 NEW SECTION. **Sec. 68.** Any employees impacted by the repeal of the
21 transportation commission in section 67 of this act are transferred to
22 the department of transportation.

23 NEW SECTION. **Sec. 69.** Part headings used in this act are not part
24 of the law.

25 NEW SECTION. **Sec. 70.** Sections 1 through 4 of this act are
26 necessary for the immediate preservation of the public peace, health,
27 or safety, or support of the state government and its existing public
28 institutions, and take effect July 1, 2003. The remainder of this act
29 takes effect January 1, 2004.

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